

SAN FRANCISCO PUBLIC DEFENDER

MANOHAR RAJU – PUBLIC DEFENDER
MATT GONZALEZ – CHIEF ATTORNEY



September 16, 2019

Sheriff Vicki L. Hennessy
San Francisco Sheriff's Department
1 Dr Carlton B Goodlett Pl
San Francisco, CA 94102

RE: Complaint against four SFSD deputies in the 9/5/19 shooting of
David Wesser and his dog Ruby and the SFSD response

Dear Sheriff Hennessy,

I write to complain about a seemingly avoidable and excessive use of force by SFSD deputies against my office's client David Wesser and his dog on September 5, 2019, in their home, as well as your Department's response which obscured the truth of the matter, at best.

At approximately 11:30 a.m. on September 5, two sheriff's deputies went to Mr. Wesser's home, reportedly to arrest him on a bench warrant. Wesser was a participant of Community Justice Court, a collaborative treatment court that pairs individuals with case managers and services, with a goal toward rehabilitation and reducing recidivism. Wesser had missed court six days earlier, on August 30, and a bench warrant issued. Bench warrants in collaborative treatment courts are common, as it is well understood that setbacks are part of the road to recovery. Wesser has a case manager and is well known to all who staff CJC. He has been in CJC since February, on a non-violent property crime allegation. His current residence was provided to him because of his CJC participation.

SFSD plainclothes deputies went to serve the bench warrant on Wesser in his home that morning for reasons unknown. When they arrived at his closed one-room studio door, they pounded on it aggressively without apparent response. The two officers then paced and stood around in the hallway for some time, one holding his unholstered firearm, the other with his hand on his holstered firearm. After approximately 8 minutes two brown-uniformed deputies arrived (one is believed to be Julio Molina).

Without so much as knocking again, one of the original two officers broke down Mr. Wesser's door with a battering ram. Ruby naturally went towards the

Adult Division - HOJ
555 Seventh Street
San Francisco, CA 94103
P: 415.553.1671
F: 415.553.9810
www.sfpdpublicdefender.org

Juvenile Division - YGC
375 Woodside Avenue, Rm. 118
San Francisco, CA 94127
P: 415.753.7601
F: 415.566.3030

Juvenile Division - JJC
258A Laguna Honda Blvd.
San Francisco, CA 94116
P: 415.753.8174
F: 415.753.8175

Clean Slate
P: 415.553.9337
www.sfpdpublicdefender.org/services

Community Justice Center
P: 415.202.2832
F: 415.563.8506

Bayview Magic
P: 415.558.2428
www.bayviewmagic.org

MoMagic
P: 415.567.0400
www.momagic.org

commotion and the second original officer—the one who had been pacing around the hallway with his gun at the ready for at least 8 minutes prior—shot Wesser in the right hand. The bullet went through Wesser’s hand, into the neck of his beloved dog, killing her.

Wesser was then thrown face down onto the hallway floor, handcuffed behind his back, all the while bleeding from his hand’s gunshot wound for another 8 minutes until medics finally arrived. No first aid was rendered in the meantime. It is uncertain when medics were summoned.

Everyone in the treatment court, including the assistant district attorney, judge, and case managers, are deeply disturbed by these events. It appears that the deputies failed to take any precautions to avoid using force in this incident. They did not inquire with building management, staff, or other residents to arrange a peaceful surrender or to learn whether an animal lived in the residence, nor with Wesser’s case manager or other collaborative court staff. They appeared to be primed to fire their guns and one of them did. Their violence towards Mr. Wesser after they shot him and failure to administer any aid is similarly alarming.

Then, rather than acknowledge the event was a preventable and unnecessary tragedy, the Sheriff’s Department spokesperson falsely suggested Wesser may have been bitten by Ruby rather than shot by deputies, was quoted to say there was “no evidence” he was shot, and disparaged Wesser in the media by suggesting that failing to appear in court somehow justified the deputy to shoot him and kill his dog.

Moreover, the Department has yet to release the names of the involved deputies despite the public’s general right to know this information.¹

There is absolutely no question that an on-duty San Francisco Sheriff Department deputy shot David Wesser and his longtime companion Ruby, killing her, as the most basic investigation of the matter shows. Wesser’s word on the subject alone is evidence, as any eyewitness account would be. If there were any doubt, his treatment by SFFD medics, at SFGH, and *in the Sheriff-run jail* for a gunshot wound would remove them. There is also no question that this violence and irreversible loss was avoidable.

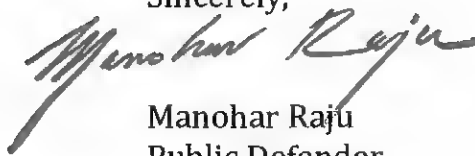
¹ See e.g. *Pasadena Police Officers Assn. v. Superior Court* (2015) 240 Cal.App.4th 268; *Long Beach Police Officers Assn. v. City of Long Beach* (2014) 59 Cal.4th 59; *Internat’l Fed. of Prof. & Technical Engineers v. Superior Court* (2007) 42 Cal.4th 319; *Comm. on Peace Officer Standards & Training v. Superior Court* (2007) 42 Cal.4th 278.

As a result of these events, I request you please do the following:

- 1- Immediately identify the four involved deputies to my office as Wesser's counsel and to the general public.²
- 2- Disclose the status of the investigation of this matter, including what actions have been taken against the officers, if any.
- 3- Provide a copy of all records concerning the 9/5/19 arrest of Mr. Wesser to my office.
- 4- Provide us a copy of all applicable policies and procedures, including those that address service of bench warrants and interaction with companion dogs and other animals.
- 5- Classify records of this incident as *Brady* material as to all four involved officers, none of whom took precautions to avoid the use of deadly force, and all of whom were complicit in or directly responsible for the breaking down of the door, shooting of Wesser, and killing of Ruby.
- 6- Disclose this *Brady* material to the District Attorney's office and to all defendants who have pending or closed cases or complaints involving these four officers.

I look forward to your response as we consider next steps.

Sincerely,

A handwritten signature in black ink, appearing to read "Manohar Raju". The signature is fluid and cursive, with the first name "Manohar" and last name "Raju" clearly distinguishable.

Manohar Raju
Public Defender

cc: District Attorney George Gascón
Paul Henderson, Director, Department of Public Accountability

² *Ibid.*